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January 3, 2024

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. LaShann DeArcy Hall, U.S.D.J.
225 Cadman Plaza East
Courtroom 4H North
Brooklyn, NY 11201-1804

Re: Calle v. Pizza Palace Cafe LLC, et al.
Case No.: 1:20-cv-4178 (LDH) (LB)

Dear Judge Hall:

This office represents the Defendants Sasha Ishaqov, Yuri Ishaqov, and Vlady Djouraev (hereinafter the “Individual Defendants”) in the above-referenced case. Defendants write, with Plaintiff’s consent, to respectfully request a seven (7) day extension of time to file and serve objections to the Hon. Lois Bloom, U.S.M.J.’s (hereinafter “Judge Bloom”) December 20, 2023 Report & Recommendation denying the Individual Defendants’ letter motion to vacate the default judgment, for an extension of time to respond to the complaint, and for a mediation referral Order. See Text Only Report & Recommendation dated December 20, 2023.

Pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule 72 of the Federal Rules of Civil Procedure (hereinafter referred to as “Rules” or “Rule”), a party has fourteen (14) days from service of a report and recommendation to file written objections. See 28 U.S.C. § 636(b)(1)(c) & Fed. R. Civ. P. 72. A party may also seek an extension of time of the deadline set forth in Rule 72. See Gao v. Perfect Team Corp., No. 10-CIV.-1637 (ENV) (CLP), 2013 WL 6901136, at *1 n. 1 (E.D.N.Y. Dec. 31, 2013) (extending Rule 72 deadline at least twice upon request). Indeed, pursuant to Rule 6, the court may, for good cause, extend the time with or without motion or notice if a request is made before the original time or its extension expires. See Fed. R. Civ. P. 6(b)(1)(A).

Here, the Individual Defendants respectfully submit that good cause exists warranting an extension of time for a couple of reasons.

First, the Individual Defendants need additional time to file their objections to Judge Bloom’s Report & Recommendation pursuant to Rule 72 due to the holidays and because your undersigned counsel’s deadlines in other matters prevented him from being able to prepare the Individual Defendants’ anticipated Rule 72 motion. See, e.g., Docket No.: 2022-04182 (Second Department) (appeal perfected on January 2, 2024). It would therefore be unfair to deny Defendants their right to *de novo* review by this Court on account of their counsel’s obligations in other matters.

Second, Defendants wish to avail themselves of *de novo* review of Judge Bloom's Order pursuant to Rule 72 which will require additional time. See Freedom Mortg. Corp. v. Cadet, No. 19-CIV.-3158 (RRM) (VMS), 2023 WL 6358070, at *3 (E.D.N.Y. Sept. 29, 2023).

Consistent with ¶ I(E) of this Court's Individual Practices, the Individual Defendants respectfully represent that: (a) the original date the Rule 72 motion was due is today, January 3, 2024; (b) the reason for the request is set forth *supra*; (c-d) there have been no previous requests for an extension of time of this deadline; (e) the Plaintiff consents to the extension of time, but respectfully submits that it does not join in the anticipated motion; (f) the requested extension of time does not affect any other scheduled dates to the Individual Defendants' knowledge.

Accordingly, the Individual Defendants respectfully submit that good cause exists warranting this Court to exercise its discretion in granting the requested extension of time.

The Individual Defendants thank this Court for its time and attention in this case.

Dated: Lake Success, New York
January 3, 2024

Respectfully submitted,

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